

Benicia, CA

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**BENICIA POLICE DEPARTMENT – CITY OF BENICIA
Employer**

and

Case 20-WH-20

**BENICIA DISPATCHERS ASSOCIATION
Petitioner**

**CERTIFICATION OF REPRESENTATIVE AS BONA FIDE
UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938**

On July 9, 2010, Benicia Dispatchers Association filed with the Acting Regional Director for Region 20 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. Sec. 207(b).

On July 23, 2010, the Acting Regional Director served on the parties a Notice to Show Cause why the Board should not grant the request. No response was filed. As the Region's investigation revealed that the Union is the recognized collective-bargaining representative of the unit employees,¹ the Acting Regional Director recommended to the Board that the requested certification be issued.

No party having shown cause why a certification should not be issued, the National Labor Relations Board hereby certifies that Benicia Dispatchers Association is

¹ The record indicates that the Employer agreed to voluntarily recognize the Benicia Dispatchers Association in about January 2005 as the exclusive collective-bargaining representative of the employees in the unit. In addition, the record includes a copy of the parties' most recent collective-bargaining agreement, titled "Dispatchers Memorandum of Understanding," effective July 1, 2006 through June 30, 2010. The most recent "side letter" amending the original collective-bargaining agreement was signed on February 11, 2009, and continued in effect until June 30, 2010. The Acting Regional Director notes that the parties are currently negotiating a new agreement.

a bona fide representative, for purposes of Section 7(b) of the FLSA, of the employees of the Benicia Police Department – City of Benicia in the following unit:²

Public Safety Dispatchers, Public Safety Dispatch Supervisors, Community Service Officers I/II, Animal Control Officers, and Records Clerks.

Dated, Washington, D.C., November 16, 2010

By direction of the Board:

Lester A. Heltzer

Executive Secretary

² A certificate of bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).